

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

Status of the Claims

Claims 1-5, 12, 13, 15 and 17 are pending of which claims 1, 15 and 17 are independent. All of the pending claims stand rejected. By this amendment, claims 1, 15 and 17 are amended. No new matter has been introduced by these amendments.

Rejection Under 35 U.S.C. §102(b) and §103(a)

Claims 1, 12, 15 and 17 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,912,720 to Berger et al. ("Berger"). Claims 2-5 and 13 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Berger in view of the admitted prior art ("AAPA").

One of the aspects of the present invention "adds" an image pickup device information to an image data picked up by the image pickup device, and "processes" the image data in accordance with the image pickup device information added to the image data.

With the features of the present invention in which the image pickup device information is added to the picked up image data, the image processing device can easily recognize the type of processing needs to be done for the picked up image data by simply looking at the added image pickup device information. As Applicant explained in the previous Amendment submitted on December 21, 2007, if the image pickup device information generated by the device information generation means and added to the picked up image is "T0001", meaning that the image is picked up by a color image pickup device, the image processing device simply do not performs the horizontal reverse and vertical reverse, and it is unnecessary to synthesize the

aperture mask. Also, the color image is converted into the white-and-black image, the γ characteristic is adjusted, and the contrast processing is performed. See, e.g., page 11, lines 9-20 of the original specification. In other words, the necessary processes for the picked up image can be determined easily based on the image pickup device information added to the picked up image data. As a result, it is not necessary to have a specialized or dedicated image processing apparatus for a specific image pick up device.

The Office Action indicates, *inter alia*, that Berger discloses the output unit of the present application and cites several portions of Berger (i.e., col. 3, lines 41-44, col. 4, lines 7-10, col. 5, lines 34-40 and Fig. 1). As Applicant understand it, however, there is nothing in Berger including the cited portions that teaches the output unit of the present application that adds the image pickup device information to the picked up image data. For example, one of the cited portions of Berger (i.e., col. 5, lines 34-40) merely describes that "[t]he image from the CCD camera 14 then is passed through a framegrabber/digitizer interface 16 to a computer system 18 for processing. The fundus image is acquired with the framegrabber/digitizer interface 16, which may include on-board memory without on-board signal processing as, for example, in the Matrox (Quebec, CA) Corona or Coreco (Quebec, CA) Ultra II." In other words, Berger fails to teach an output of the present application that adds the image pickup device information to the picked up image data so that the processing unit can select necessary processes based on the added device information.

AAPA is cited as disclosing that the device information includes information regarding vertical or horizontal reversing processing of the image data. However, it is clear that AAPA does not teach the above aspect of the present invention, i.e., the output unit is configured to add

the image pickup device information to the image data of eye fundus as specifically recited in the amended claims.

In the *Response to Arguments* section of the March 21, 2008 Office Action, the Examiner indicates that "the features upon which applicant relies (i.e., the device information generated by the device information generation means is, e.g., 'T001', based on the determination by the device information determination means, the image processing device do not performs the horizontal reverse and vertical reverse, and it is unnecessary to synthesize the aperture mask. Also, the color image is converted into the white-and-black image, the gamma characteristic is adjusted, and the contrast processing is performed.) are not recited in the rejected claim(s)."

Applicant notes that the cited portion of Applicant's argument was presented to merely illustrate an exemplary case of the claimed invention in which the image processing device performs necessary processes need to be taken (or need not be taken) based on the added device information (i.e., T001), and believes that the claims do not have to recite the exemplary illustration.

Accordingly, each of claims 1, 15 and 17 is believed neither anticipated by nor rendered obvious in view of the cited reference (i.e., Berger and the admitted prior art), either taken alone or in combination, for at least the reasons discussed above.

Nonetheless, independent claims 1, 15 and 17 are amended for further clarification. In particular, amended claim 1 recites, *inter alia*, "wherein the image processing device is connectable with a plurality of image pickup devices which pickup deferent image data to be performed different image processings, and wherein, in a case that the determination unit determines different image processing on each of image data picked up by the image pickup devices, the image processing unit performs different image processing corresponding to each

image pickup device information." Other amended independent claims 15 and 17 recite similar features to claim 1 as discussed herein.

With the amended features indicated above, the image processing device is connectable with a plurality of image pickup devices, and these image pickup devices pickup deferent image data to be performed different image processings. In a case that the determination unit determines different image processing on each of picked up image data, the image processing unit performs different image processing corresponding to each image pickup device information. Applicant believes that amended claims 1, 15 and 17 further distinguish over the cited references.

Reconsideration and withdrawal of the rejections of claims 1, 15 and 17 under 35 U.S.C. §102(a) is respectfully requested.

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Also, Applicant has not specifically addressed the rejections of all of the dependent claims. Applicant respectfully submits that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.

Applicant believes that the application as amended is in condition for allowance and such action is respectfully requested.

AUTHORIZATION

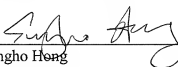
No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicant hereby petitions the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-5360). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: June 13, 2008

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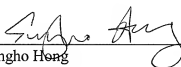
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